

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

PHETPINTHONG SENESACKDA

PLAINTIFF

v.

Civil No. 05-5009

SHERIFF FERGUSON; MAJOR GENE
DRAKE; CAPTAIN HUNTER PETRAY;
and LT. PAUL CARTER

DEFENDANTS

O R D E R

Now on this 1st day of December, 2005, comes on for consideration the **Report And Recommendation Of The Magistrate Judge** (document #26), to which no objections have been made, and the Court, having carefully reviewed said Report And Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Report And Recommendation Of The Magistrate Judge** is adopted *in toto*.

IT IS FURTHER ORDERED that, for the reasons stated in the **Report And Recommendation Of The Magistrate Judge**, defendants' Motion For Summary Judgment is **granted in part and denied in part**.

The motion is **granted** insofar as it seeks dismissal of plaintiff's claims against defendants Sheriff Keith Ferguson and Major Gene Drake, and those claims are hereby **dismissed**.

The motion is **denied** insofar as it seeks dismissal of plaintiff's claims against defendants Captain Hunter Petray and Lt. Paul Carter, and this matter is remanded to the Magistrate

Judge for further report and recommendation with regard to those claims.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE